IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.786 of 2007

DATE OF ORDER: 13.2.2007

Hardev Singh

...Petitioner(s)

Versus

Surinder Kumar

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Karamjit Verma, Advocate.

M.M. AGGARWAL,J

This petition against judgment and decree dated 2.1.2006 passed by Civil Judge(Jr.Divn.), Jagraon has been filed beyond the prescribed period of limitation.

It comes out that the plaintiff, now respondent had filed suit under Section 6 of the Specific Relief Act against the present petitioner, which was decreed by the Civil Judge(Jr.Divn.), Jagraon on 2.1.2006. Defendant in stead of filing revision at that time, filed an appeal in the court of Additional District Judge, Ludhiana, which was dismissed on 26.4.2006 on the ground that the appeal in that Court was not maintainable. Additional District Judge had also observed that there was no illegality or

infirmity in the judgment and decree.

After the dismissal of appeal by the Additional District Judge, Ludhiana, this petition has now been filed after about 10 months of that judgment with an application for condonation of delay in filing the petition.

According to the petitioner, there is delay of 177 days' in filing the petition.

I have gone through the judgments of the courts below. Plaintiff had pleaded himself to be tenant and had pleaded that he had been forcibly dispossessed on 19.9.2000. Even an FIR in this respect had been recorded.

Under these circumstances, trial Court had decreed the suit of the plaintiff for restoration of possession. After going through the judgments, I do not find any merit in the petition. Therefore delay in filing the petition is not condoned and the petition is dismissed.

February 13, 2007 (M.M. AGGARWAL)
manoj JUDGE